

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

DONNA WRIGHT,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
SYNCHRONY BANK,)	
)	
Defendant.)	

COMPLAINT

NOW COMES Plaintiff, DONNA WRIGHT ("Plaintiff"), by and through her attorneys, and for her Complaint against Defendant, SYNCHRONY BANK ("Defendant"), Plaintiff hereby alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

Parties

2. Plaintiff is a natural person at all times relevant residing in Arnold, Missouri.
3. Defendant is a business entity with a business office located in Draper, Utah.
4. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

5. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.
6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district.

Factual Allegations

7. In or around May 2017 Plaintiff began receiving phone calls from Defendant on her cellular telephone.

8. Defendant calls telephone number [REDACTED].

9. Telephone number [REDACTED] is assigned to Plaintiff's cell phone.

10. These calls are not for emergency purposes.

11. These calls are made in connection with credit card accounts.

12. Defendant represented to Plaintiff that it may contact her about the credit cards for servicing or collection related issues using artificial or prerecorded voice calls and calls made by an automatic telephone dialing system.

13. Defendant called plaintiff's cell phone on consecutive days, including nights and weekends.

14. On the days when Defendant called Plaintiff multiple times, the calls often occurred at or around the same time of day.

15. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant placed these calls using an automatic telephone dialing system for purposes of the TCPA.

16. On or about May 12, 2017, Plaintiff spoke with Defendant and instructed Defendant to stop calling her cell phone.

17. Defendant continued to call Plaintiff's cell phone after May 12, 2017.

18. Defendant continued calls to Plaintiff's cell phone on consecutive days, including nights and weekends.

19. Plaintiff estimates Defendant called her cell phone at least forty-nine (49) times since May 12, 2017.

20. Upon information and good faith belief, Defendant used an automatic telephone dialing system to place each and every call to Plaintiff's cell phone.

21. Defendant did not have Plaintiff's express consent to use an automatic telephone dialing system to place these calls.

22. Defendant knew that it did not have Plaintiff's express consent to use an automatic telephone dialing system to place these calls.

23. Defendant placed these calls voluntarily.

24. Defendant placed these calls under its own free will.

25. Defendant willfully used an automatic telephone dialing system to place these calls.

26. Plaintiff is annoyed and feels harassed by Defendant's calls.

CLAIM FOR RELIEF
Telephone Consumer Protection Act

27. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

28. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
- (2) Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
- (3) All court costs, witness fees and other fees incurred; and
- (4) Awarding such other and further relief as may be just, proper and equitable.

Dated: August 18, 2017

Respectfully submitted,

/s/ Adam T. Hill
Adam T. Hill
KROHN & MOSS, LTD.
10 N. Dearborn St., 3rd Fl.
Chicago, Illinois 60602
Telephone: 312-578-9428
Telefax: 866-861-1390
ahill@consumerlawcenter.com
Attorneys for Plaintiff